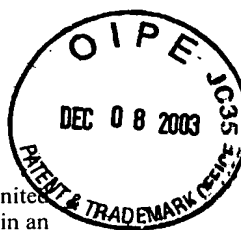


Image



PATENT

16348

Docket No: 10738-43

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Fee Amendment; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450 on December 3, 2003.

Linda G. Drake

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Kersten M. Small et al : Paper No.
Serial No.: 09/692,077 : Group Art Unit: 1634
Filing Date: October 19, 2000 : Examiner: Johannsen, Diana
For: **Alpha-2B Adrenergic Receptor Polymorphisms**

Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

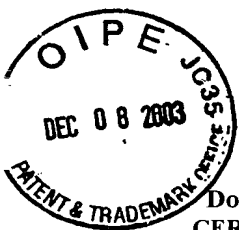
Transmitted herewith is a Response to Restriction Requirement in the above-identified application.

- [X] Additional fee required. Please charge the amount of **\$55.00** to our Visa credit card account.
- [X] Also attached: Request for One-Month Extension of Time; Form PTO-2038; and Return Receipt Postcard.
- [X] The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment, to Deposit Account No. 04-1133, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

By: Clare M. Iery

Clare M. Iery
Registration No. 51,833
Attorney for Applicants
DINSMORE & SHOHL LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
(513) 977-8192



Docket No: 10738-43

PATENT

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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

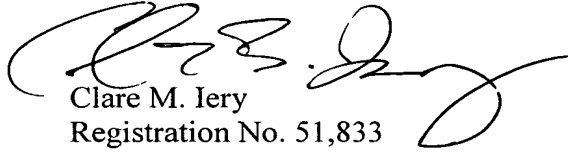
Dear Sir:

In the Official Action dated October 3, 2003, the Examiner required restriction under 35 U.S.C. §§ 121 between Group I, claims 1-22, 30-44 and 63 drawn to methods of genotyping and disease risk detection comprising nucleic acid polymorphism detection; Group II, claims 23-29 and 64 drawn to methods of polypeptide detection; and Group III, claims 45-62 drawn to methods of predicting response to an agonist or antagonist. In addition, the Examiner required election of a single species of oligonucleotide (Group I) or a single species of agonist or antagonists (Group III) if Group I or Group III was elected.

Applicants elect the invention of claims 1-22, 30-44 and 63 of Group I, with traverse. This election is made with traverse on the basis that it would not be unduly burdensome for the Examiner to examine claims 23-29, 45-62 and 64 with claims 1-22, 30-44 and 63. Accordingly, Applicants request reconsideration and withdrawal of the restriction requirement and examination of claims 1-64. Examination on the merits is respectfully requested.

In addition, as the Examiner required election of a single species of oligonucleotide if Group I was elected, Applicants elect the single oligonucleotide SEQ ID NO: 13 of Group I.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Iery', with a large, stylized flourish extending from the end.

Clare M. Iery
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